

The following Listing of the Claims will replace all prior versions and all prior listings of the claims in the present application:

Listing of The Claims:

1. (Withdrawn) A purified polynucleotide selected from the group consisting of SEQ ID NOS: 1-11.

2. (Withdrawn) A pair of polynucleotide primers for a polymerase chain reaction, wherein the primers comprise SEQ ID NO:1 and SEQ ID NO:2.

3. (Original) A polynucleotide for HSV detection, wherein said polynucleotide comprises SEQ ID NO:4.

4. (Original) The polynucleotide of claim 3 wherein the polynucleotide comprises a labeled polynucleotide.

5. (Original) The polynucleotide of claim 4 wherein the labeled polynucleotide comprises a pair of fluorophore/quencher labels.

6. (Original) A pair of polynucleotides for HSV detection wherein said pair of polynucleotides is selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4, and SEQ ID NO:3 and, SEQ ID NO:3

7. (Original) The pair of polynucleotides of claim 6 wherein said pair of polynucleotides comprises a labeled first polynucleotide and a labeled second polynucleotide, wherein the first and second polynucleotides are differentially labeled.

8. (Original) The pair of polynucleotides of claim 7 wherein said first and second differentially labeled polynucleotides each comprises a pair of fluorophore/quencher labels.

9. (Original) The pair of polynucleotides of claim 8 wherein said fluorophore label is different between said first and second polynucleotides and wherein said quencher label is the same between first and second polynucleotides.

- ~~8~~ 10. (Original) A kit for HSV detection comprising a pair of polynucleotides of claim 6 and packaging materials therefor.
- ~~9~~ 11. (Currently amended) The kit of claim 10 further comprising a pair of polynucleotide primers ~~of claim 2~~ for a polymerase chain reaction, wherein the primers comprise SEQ ID NO:1 and SEQ ID NO:2, and a DNA polymerase.
- ~~10~~ 12. (Original) A kit for performing a polymerase chain reaction comprising a pair of polynucleotide primers of claim 2, a DNA polymerase, and packaging materials therefor.
- ~~11~~ 13. (Original) The kit of claim 11 or 12 wherein said DNA polymerase is thermostable.
- ~~12~~ 14. (Original) The kit of claim 10 or 12 further comprising a buffer suitable for HSV detection and polymerase chain reaction.
- ~~13~~ 15. (Original) The kit of claim 14 further comprising an internal amplification control plasmid comprising sequences presented in SEQ ID NO:8 AND SEQ ID NO:9.
- ~~14~~ 16. (Original) The kit of claim 15 further comprising a first control template having a sequence presented in SEQ ID NO:6 and a second control template having a sequence presented in SEQ ID NO:7.
- ~~15~~ 17. (Original) A kit for HSV detection, comprising a polynucleotide for HSV detection having a sequence presented in SEQ ID NO:4, a pair of polynucleotides for polymerase chain reaction wherein a first polynucleotide of said pair has the sequence presented in SEQ ID NO:1 and a second polynucleotide of said pair has the sequence presented in SEQ ID NO:2, a DNA polymerase, and a buffer suitable for HSV detection and polymerase chain reaction.
- ~~16~~ 18. (Original) The kit of claim 17 further comprising a control polynucleotide having a sequence presented in SEQ ID NO:3, and an IAC plasmid comprising sequences presented in SEQ ID NO:8 AND SEQ ID NO:9.

17 19 (Original) The kit of claim 17 or 18 further comprising a first control template having a sequence presented in SEQ ID NO:6 and a second control template having a sequence presented in SEQ ID NO:7.

18 20. (Original) A kit for HSV detection, comprising a pair of polynucleotides for HSV detection selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4, or SEQ ID NO:3 and SEQ ID NO:3, a pair of polynucleotides for polymerase chain reaction wherein a first polynucleotide of said pair for polymerase chain reaction has the sequence presented in SEQ ID NO:1 and a second polynucleotide of said pair for polymerase chain reaction has the sequence presented in SEQ ID NO:2, a DNA polymerase, and a buffer suitable for HSV detection and polymerase chain reaction.

19 21. (Original) The kit of claim 20 further comprising a control polynucleotide having a sequence presented in SEQ ID NO:3, and an IAC plasmid comprising sequences presented in SEQ ID NO:8 AND SEQ ID NO:9

20 22. (Original) The kit of claim 20 or 21 further comprising a first control template having a sequence presented in SEQ ID NO:6 and a second control template having a sequence presented in SEQ ID NO:7.

23. (Withdrawn) A method for HSV detection, comprising the steps of:

(a) contacting a target nucleic acid with a polynucleotide comprising SEQ ID NO:4, wherein said target nucleic acid comprises a sequence complementary to said polynucleotide, wherein a hybrid forms between said target nucleic acid and said polynucleotide under conditions which permit formation of said hybrid; and

(b) detecting said hybrid.

24. (Withdrawn) The method of claim 23 wherein said polynucleotide is labeled.

25. (Withdrawn) The method of claim 24 wherein said detecting step comprises detecting emission of fluorescence.

26. (Withdrawn) A method for HSV detection, comprising the steps of:

- (a) mixing a target nucleic acid with a polynucleotide for detecting HSV selected comprising SEQ ID NO:4, and a pair of polynucleotides for polymerase chain reaction comprising SEQ ID NO:1 and SEQ ID NO:2, wherein said target nucleic acid comprises a sequence complementary to said polynucleotide for detecting HSV and a sequence complementary to said pair of polynucleotides for polymerase chain reaction;
- (b) incubating a mixture of step (a) under conditions which permit a polymerase chain reaction to generate a product comprising a sequence to said polynucleotide for detecting HSV and which permit formation of a hybrid between said polynucleotide for detecting HSV and said product; and
- (c) detecting said hybrid.

27. (Withdrawn) The method of claim 26 wherein said polynucleotide for detecting HSV is labeled.

28. (Withdrawn) The method of claim 27 wherein said detecting step comprises detecting emission of fluorescence.

29. (Withdrawn) A method for HSV detection, comprising the steps of:

- (a) contacting a target nucleic acid with a pair of polynucleotides selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4 or SEQ ID NO:3 and SEQ ID NO:3, wherein said target nucleic acid comprises a sequence complementary to at least one of said polynucleotide, wherein a hybrid forms between said target nucleic acid and at least one of said polynucleotide under conditions which permit formation of said hybrid; and

- (b) detecting said hybrid.

30. (Withdrawn) The method of claim 29 wherein said polynucleotides for detecting HSV are differentially labeled.

31. (Withdrawn) The method of claim 30 wherein said detecting step comprises detecting emission of fluorescence.

32. (Withdrawn) A method for HSV detection, comprising the steps of:

(a) mixing a target nucleic acid with a pair of polynucleotides for detecting HSV selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4 or SEQ ID NO:3 and SEQ ID NO:3, and a pair of polynucleotides for polymerase chain reaction comprising SEQ ID NO:1 and SEQ ID NO:2, wherein said target nucleic acid comprises a sequence complementary to at least one of said polynucleotides for detecting HSV and a sequence complementary to said pair of polynucleotides for polymerase chain reaction;

(b) incubating a mixture of step (a) under conditions which permit a polymerase chain reaction to generate a product comprising a sequence of at least one of said polynucleotides for detecting HSV and which permit formation of a hybrid between at least one of said polynucleotide for detecting HSV and said product; and

(c) detecting said hybrid.

33. (Withdrawn) The method of claim 32 wherein said polynucleotides for detecting HSV are differentially labeled.

34. (Withdrawn) The method of claim 33 wherein said detecting step comprises detecting emission of fluorescence.